



Public Service Commission

For Immediate Release: 11/29/2022

Rory M. Christian, Chair

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22109 / 22-M-0486

Virtual Public Statement Hearing Set Regarding the Transfer of the Hudson Valley Research Park

ALBANY — The New York State Public Service Commission (Commission) will hold a virtual public statement hearing on **Tuesday, December 6, 2022**, regarding the joint petition filed by GLOBALFOUNDRIES U.S. INC. (Global Foundries), Semiconductor Components Industries, LLC (SCI), and Hudson Valley Research Park Water-Works Corp., seeking an order granting a Certificate of Public Convenience and Necessity (CPCN) related to the transfer of certain electric, gas, and water distribution facilities.

On August 15, 2022, Global Foundries, SCI, and Hudson Valley Research Park Water-Works Corp. jointly filed a petition for an order granting a CPCN pursuant to Section 68 of the Public Service Law (PSL) and providing for incidental regulation pursuant to PSL Sections 66 and 89-c. Global Foundries owns the Hudson Valley Research Park, an industrial park located in East Fishkill, and the electric, natural gas and water distribution facilities within the research park. Because Global Foundries has only served itself and its tenants with those electric, gas, and water distribution facilities, it states that it has been exempt from regulation as an “electric corporation,” “gas corporation” and “water-works corporation” under PSL §§2(11), (13), and (27).

In 2017, Global Foundries subdivided the research park into eight parcels, six of which were sold to i.Park East Fishkill LLC, i.Park East Fishkill I LLC, i.Park East Fishkill II LLC, i.Park East Fishkill III LLC and i.Park East Fishkill B338 LLC (collectively, iPark). Through agreements with iPark, Global Foundries has continued to supply and distribute electricity, natural gas, and water to some or all of the buildings located on the six parcels purchased by iPark.

Global Foundries is preparing to sell all of its properties and facilities in the research park to SCI. On April 22, 2019, Global Foundries and SCI entered into an asset purchase agreement for SCI to acquire Global Foundries’ properties and facilities within the research park. Global Foundries and SCI anticipate closing the transfer in the fourth quarter of 2022. Due to the existing arrangement of the electric, natural gas, and water distribution facilities within the research park, SCI will adopt the contracts between Global Foundries and iPark and continue to serve the buildings on the iPark parcels with electric, natural gas, and water following the transfer, which will render SCI a Commission-regulated electric, gas, and water-works corporation.

As a result, the Petition requests the Commission to issue an expedited order: (1) granting Global Foundries, or alternatively SCI, a CPCN pursuant to PSL §68 to provide electricity and gas via the existing electric and gas distribution facilities in the research park to the iPark parcels following the transfer; (2) providing that the owner of the electric distribution facilities at the research park, initially Global Foundries and then SCI, will be subject to incidental regulation as an electric corporation pursuant to PSL §66(13) when providing electricity to the iPark parcels; (3) providing that the owner of the natural gas distribution facilities at the research park, initially Global Foundries and then SCI, will be subject to incidental regulation as a gas corporation pursuant to PSL §66(13) when providing natural gas to the iPark parcels; and (4) providing that the owner of the water distribution facilities at the research park, initially Global Foundries and then SCI, will be subject to incidental regulation as a water-works corporation pursuant to PSL §89-c(11) when providing water to the iPark parcels.

The petitioners assert that authorizing Global Foundries, and then later SCI, to provide electricity, natural gas, and water to the iPark parcels using Global Foundries' existing distribution facilities in the research park is in the public interest because it will promote regional economic development, job creation, and fiscal benefits through the use of existing infrastructure. The petition may be viewed on the Commission's website at www.dps.ny.gov. To access all filed documents in this case, click on "Search" and enter "22-M-0486" in the "Search by Case Number" field.

PLEASE TAKE NOTICE that a virtual public statement hearing will be held before Administrative Law Judge (ALJ) Lindsey Overton as follows:

DATE: TUESDAY, DECEMBER 6, 2022
TIME: 1:00 P.M.

Electronic Access: www.webex.com
Event Number: 2347 416 5477
Password: Dec6-1pm

Phone-Only Access: 518-549-0500
Access Code: 2347 416 5477

Any person wishing to provide a public statement on the record at the hearing **must pre-register** to do so by 3:00 p.m. on Monday, **December 5, 2022**.

To pre-register and provide a statement electronically: Participants who would like to provide a statement and will log in to the hearing electronically must pre-register by the date and time indicated above, by visiting www.webex.com, where they should click "Join" at the top right-hand corner of the screen, enter the event number listed above and provide all requested information.

When logging in on the date and time of the hearing, participants will be asked to "select audio system." It is recommended that participants opt to have the system "call me" or "call using computer." The "call me" option will require that participants enter their phone numbers.

To pre-register and provide a statement by phone: Any participant who is not able to log in to the hearing electronically may participate by phone. Call-in participants wishing to provide a statement must pre-register by the date and time indicated above by calling 1-800-342-3330, where they should follow prompts to the appropriate hearing and provide the following information: first and last name, address, and phone number.

On the date and time of the hearing, all call-in participants should dial **518-549-0500** and enter the access code listed above.

The public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker, as necessary. It is also recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the public statement hearing will be made for inclusion in the record of this case.

Persons with disabilities requiring special accommodations should call the Department of Public Service's Human Resources Management Office at 518-474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this notice.

Other Ways to Comment

For those who cannot attend or prefer not to speak at the public statement hearing, there are several other ways to provide your comments. Comments should refer to Case "22-M-0486." Although comments will be accepted throughout the course of this proceeding, they are requested on or before December 7, 2022.

Internet or Mail: Go to www.dps.ny.gov, click on "Search," enter "Case 22-M-0486" in the "Search by Case Number" field, and then click on "Post Comments" at the top of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. All written comments will become part of the record considered by the Commission and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the "Public Comments" tab.

Toll-Free Opinion Line: You may call the Commission's Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers 24 hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

PLEASE TAKE FURTHER NOTICE that a procedural conference will be held immediately following the public statement hearing on December 6, 2022.

The principal purposes of the procedural conference are to identify any potential parties and provide interested persons an opportunity to present and explain any proposals regarding the procedures they believe should be followed in this case by the ALJ and Commission including, but not limited to, whether any issues of fact presented by the petition or public comments warrant an evidentiary hearing. Other procedural issues also may be addressed.

Access information for the procedural conference is as stated above. The public statement hearing and procedural conference will be conducted as parts of the same WebEx and conference call.